

REMARKS

Claims 1 and 3-7 remain in this application. The limitation of claim 2 has been added to claim 1, claim 2 has been cancelled, and claims 8-10 have been previously withdrawn. Claims 1, 3 and 4 have been amended while claims 5, 6 and 7 remain unchanged. No new subject matter is believed to have been added by this Amendment.

At the bottom of page 2 in the Office Action, the Examiner indicates that numeral 41 is confusingly used. Reference number 40 is associated with the inner wall and paragraph 27 has been amended accordingly.

At the bottom of page 2 in the Office Action, the Examiner indicates that it is not clear how the angle X is measured. Figure 2 has been modified so that the line from which X is measured is consistent with a similar line in Figure 6.

On page 3 of the Office Action, the Examiner rejects claims 1-3 and 7 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Patent No. 2,061,588 to Peschel (hereinafter the Peschel patent). The Peschel patent is directed to metal furniture and in particular, to the head or foot board for a bed. The furniture may consist of different pieces 11, 12 and 13 attached together. As illustrated in Figure 1 of the Peschel patent, the metal rim 11 and the metal rim 12 intersect. However, unlike the arrangement in Figure 2 of the present application, the recess formed in the Peschel patent tapers to a point and does not include a recess which terminates at the base wherein the recess has a distance across which is at least as large as the thickness of a roller that would be inserted within the recess. Claim 1 of the application has been amended to highlight this feature. Unlike the recess defined in amended claim 1, the shape of the recess in the Peschel patent is such that a roller inserted within the recess would likely be jammed and not be easily removed. For this reason, claim 1, as amended, is not believed to be anticipated or made obvious by the teaching of the Peschel patent. Furthermore, by way of their dependence upon independent claim 1, dependent claims 3 and 7 are themselves not believed to be anticipated or made obvious by the teaching of the Peschel patent.

The Examiner further rejects claims 1 and 7 under 35 U.S.C. §102(b) as being anticipated by the teaching of United States Design Patent No. 469,285 to Stanton (hereinafter the Stanton patent) or United States Patent No. 3,108,290 to Partridge (hereinafter the Partridge patent).

The Stanton patent is directed to a headboard having an ornamental design with a recess wherein the inner wall of the recess extends away from the side and then, by way of the decorative arch, reverses direction to move closer to the side. This is exactly opposite the Applicant's design illustrated in Figures 2 and 6 and as found in amended claim 1, wherein the inner wall is a greater distance away from the associated side at the bottom of the body than at the top of the body. The design of the headboard in accordance with the Stanton patent would not provide a stable support.

The Partridge patent is directed to a bed device for moving patients wherein as illustrated in Figure 2, recesses 50 and 52 are essentially straight up and down and do not include an inner wall which is a greater distance away from an associated side at the bottom of the body than at the top of the body. The angled recess feature of the Applicant's invention not only permits placement of a roller within the recess but, furthermore, by way of this recess, a roller resting at the lowermost point of the recess would be retained within the recess when the force of a bed sheet attached to the roller pulled the roller away from the side of the bed board.

For these reasons, claim 1 is not believed to be anticipated or made obvious by the teaching of either the Stanton or the Partridge patents, and furthermore, claim 7, by way of its dependence upon claim 1, is itself not believed to be anticipated or made obvious by the teaching of either of these references.

The Examiner has indicated that claims 4-6 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Claim 4 has been rewritten in independent form and is therefore believed to be allowable. Claims 5 and 6 depend upon claim 4 and are themselves believed to be allowable.

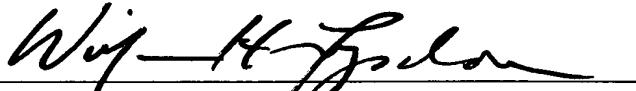
Application No. 10/789,952
Paper Dated: October 31, 2005
In Reply to USPTO Correspondence of May 31, 2005
Attorney Docket No. 2197-040452

Reconsideration and allowance of claims 1 and 3-7 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM, P.C.

By

A handwritten signature in dark ink, appearing to read "W. H. Logsdon", is written over a horizontal line.

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AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 2. This sheet, which includes Figures 1-3, replaces the original sheet including Figures 1-3. Changes incorporated in this sheet are highlighted on the attached annotated copy.

Attachments: Replacement Sheet
Annotated Copy Showing Changes

